S.B. CIVIL WRIT PETITION NO.4249/1994
(UIT Bikaner & ors. Vs. Jitendra Singh & anr.)

Date of Order :: 09.07.2007

HON'BLE MR. JUSTICE DINESH MAHESHWARI

Mr.B.R.Mehta for the petitioners
Mr.Nitin Trivedi for the respondent No. 1
Mr.S.N.Tiwari, Dy.G.A.

In this writ petition against the order dated 07.12.1993 passed by the Labour Court, Bikaner in Case No.134/1992, learned counsel for the parties were heard on 06.07.2007 and order was reserved. However, before the order was pronounced, learned counsel for the parties today appeared before the court; and at request, the matter was placed on board. Learned counsel for the parties have today made submissions thus:

Learned counsel for the respondent has shown and placed on record a copy of the order dated 03.01.2004 issued by the Office of the Urban Improvement Trust, Bikaner whereby and whereunder the respondent-workman was accorded notional fixation in the pay scale of Rs.950-1680 with other consequential orders; and it was decided that no amount would be payable to the respondent workman under the order impugned in the present writ petition. Learned counsel for the respondent submits that he received instructions only after the

arguments were concluded in this matter and, therefore, this subsequent development could not be placed before the court earlier. However, in terms of the said order, learned counsel for the respondent-workman submits that respondent having been otherwise provided with fixation in the regular pay scale, he does not want to recover any amount under the impugned order and without prejudice to his rights under the said order dated 03.01.2004, the order dated 07.12.1993, impugned in this writ petition, may be held to be ineffective and inoperative. Learned counsel appearing for the petitioner-UIT agrees on this proposition and submits that though he has not received any positive instructions in that regard, but the proposition as stated on behalf of the respondent-workman being not against the interest of the petitioner-UIT, he agrees on the same.

In view of the submissions so made by learned counsel for the parties, there appears no necessity to adjudicate on the merits of the submissions on the subject matter of this writ petition; and, as agreed by the respondent-workman, the impugned order dated 07.12.1993 is annulled and held to be inoperative; and this writ petition succeeds to that extent. However, it shall not prejudice any other right of the respondent as available in accordance with law. No costs.

(DINESH AHESHWARI), J.

MK